

# Exhibit 5

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GHAZI ABU NAHL and NEST INVESTMENTS  
HOLDING LEBANON SAL, individually and on  
behalf of LEBANESE CANADIAN BANK,

Plaintiffs,

v.

GEORGES ZARD ABOU JAOUDE, MOHAMED  
HAMDOUN, AHMAD SAFA, OUSSAMA  
SALHAB, CYBAMAR SWISS GMBH, LLC,  
MAHMOUD HASSAN AYASH, HASSAN  
AYASH EXCHANGE COMPANY, and ELLISSA  
HOLDING COMPANY,

Defendants,

and

LEBANESE CANADIAN BANK,

Nominal Defendant.

No. 15-cv-09755

Before: Hon. Lorna G. Schofield

Discovery Matters Assigned to:

Magistrate Judge  
James C. Francis IV

**REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE  
(LETTER ROGATORY TO HASSAN AYASH EXCHANGE COMPANY)**

The United States District Court for the Southern District of New York (the “Court”), 500 Pearl Street, New York, New York, 10007, USA, presents its greetings to the judicial authorities in the Republic of Lebanon (“Lebanon”) and respectfully requests judicial assistance of the courts of Lebanon to effect service of process for a civil proceeding before this Court in the above-captioned matter.

### **FACTS**

The Plaintiffs in the instant matter, on December 14, 2015, instituted a civil action that involves in personam legal claims against certain defendants, including Hassan Ayash Exchange Company, relating to mismanagement of the Lebanese Canadian Bank. This defendant will be provided an opportunity to challenge the claims alleged against it as part of this action.

As required by Rule 4 of the Federal Rules of Civil Procedure, service must be effected on the defendants. Federal Rule of Civil Procedure 4(f) provides for service of an individual in a foreign country “as the foreign authority directs in response to a letter rogatory or letter of request,” when “there is no internationally agreed means, or if an international agreement allows but does not specify other means, by a method that is reasonably calculated to give notice[.]” Fed. R. Civ. P. 4(f)(2). Rule 4(h) provides that service may be effected upon foreign corporations outside of the United States “in any manner prescribed by Rule 4(f) for serving an individual,” except for personal delivery of a summons and complaint pursuant to Rule 4(f)(2)(C)(i). Fed. R. Civ. P. 4(h)(2).

The Plaintiffs in this matter have advised the Court that there is no internationally agreed upon means of service between the United States and Lebanon. As such, the Plaintiffs moved this Court for the issuance of a letter rogatory to effect service in accordance with Rule 4. This

Court is invoking assistance from the appropriate judicial authority in Lebanon to serve process on Hassan Ayash Exchange Company.

**ASSISTANCE NEEDED**

This Court requests that in the interests of justice the appropriate judicial authority of Lebanon, in accordance with the law and procedural rules of Lebanon, service of process be effected with respect to the following documents:

1. a certified copy of the Verified Complaint in the above-captioned action;
2. the Summons;
3. the Scheduling Order; and
4. Judge Schofield's Individual Rules of Practice

upon:

HASSAN AYASH EXCHANGE COMPANY  
Madame Curie Street  
Beirut  
Lebanon

The Court requests that the Affidavit of Service of Process (annexed hereto) be completed by the person serving process. The Court further requests that the completed affidavits be returned to the United States' Central Authority, the Department of Justice, Office of International Affairs, so that the Plaintiffs, may file the signed affidavits of service with the Court.

The Court appreciates the cooperation and aid received from the judicial authorities in Lebanon, and expresses its willingness to provide similar assistance to the judicial authorities in Lebanon. The Court expresses its willingness to reimburse the judicial authorities of Lebanon for costs incurred in executing this Letter Rogatory. The Court extends to the judicial authorities of Lebanon its assurances of its highest consideration and is extremely grateful for the kind assistance in regard to this request.

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HONORABLE LORNA G. SCHOFIELD  
United States District Judge  
Southern District of New York

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DATE

[SEAL]

**AFFIDAVIT OF SERVICE OF PROCESS**

Plaintiffs: GHAZI ABU NAHL and NEST INVESTMENTS HOLDING LEBANON SAL,  
individually and on behalf of LEBANESE CANADIAN BANK

Defendants: GEORGES ZARD ABOU JAOUDE, MOHAMED HAMDOUN, AHMAD  
SAFA, OUSSAMA SALHAB, CYBAMAR SWISS GMBH, LLC, MAHMOUD  
HASSAN AYASH, HASSAN AYASH EXCHANGE COMPANY, ELLISSA  
HOLDING COMPANY, and LEBANESE CANADIAN BANK (nominal  
defendant)

Case: 15-cv-09755

Addressee: **HASSAN AYASH EXCHANGE COMPANY**

Type: Summons and Complaint

I, \_\_\_\_\_, acting pursuant to a letter rogatory from the  
United States, have the honor to certify:

1. That a copy of a Complaint, dated December 14, 2015, the Summons, the Scheduling  
Order, and Judge Schofield's Individual Rules of Practice, have been served this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_

at \_\_\_\_\_

(Country, Place, Street, Number)

by the following method:

\_\_\_\_\_

The documents referred to herein have been delivered to:

\_\_\_\_\_  
(name and description of person receiving documents)

\_\_\_\_\_  
(relationship to addressee, e.g., family, business, or other)

2. That a copy of a Complaint, dated December 14, 2015, the Summons, the Scheduling Order, and Judge Schofield's Individual Rules of Practice, have not been served for the following reasons:

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Signed and sworn to this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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Signature of Affiant